Criminal Revision No.614 of 1993

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

Date of Decision: November 21, 2007.

M/s. Dhuria Pesticides and Beej Bhandar, Malout, Kharaiti Lal Proprietor City Bazaar Malout **...** Petitioner

VERSUS

State of Haryana **...**Respondent

1. Whether the Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest ?

CORAM :

HON'BLE MR. JUSTICE MOHINDER PAL.

Present: Ms. Isha Randhawa, Advocate,
for the petitioner.

Mr. P.S. Garewal, Assistant Advocate General, Punjab.

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MOHINDER PAL, J.

Kharaiti Lal, proprietor of petitioner-firm (petitioner) was charged and tried by the Court of Judicial Magistrate Ist Class, Gidderbaha, under Sections 3(k) (i) 18 and 29 of the

Insecticides Act and, ultimately, convicted for the said offence and sentenced to undergo rigorous imprisonment for six months and to pay fine of Rs.500/- and in default of payment of fine to undergo further rigorous imprisonment for two months vide judgment and sentence order dated November 20, 1992 passed by the trial Court. On appeal, sentence of rigorous imprisonment was reduced to three months but sentence of fine, with the default clause reduced to one month instead of two months, was maintained by the learned Sessions Judge, Faridkot, vide judgment dated September 06, 1993. Hence this revision petition.

2. Learned counsel for the petitioner does not challenge the conviction. She, however, submitted that the occurrence relates to August 22, 1989 After a protracted trial, the petitioner was sentenced on November 20, 1992, by the trial Court and the appeal was decided on September 06, 1993. She prayed that keeping in view the fact that Sword of Damocles remained hanging over the head of the petitioner for more than eighteen years, lenient view may be taken against the petitioner and that the impugned sentence order may be modified.

3. The allegation against the petitioner is that on August 22, 1989, he sold three litres Fenvelrate 20 % E.C pesticide to Tahal Singh alias Fauji Chacha which was found to be ineffective by Tahal Singh. At the time of raid, only one litre Fenvelrate 20 % E.C pesticide was found in stock by the raiding staff. Under the circumstances, I am of the view that no useful purpose will be served by sending the petitioner to jail

and the ends of justice will be adequately met if the petitioner is ordered to be released on probation. Accordingly, maintaining the conviction of the petitioner for the afore-mentioned offence, instead of sending him to jail, he is ordered to be released on probation for a period of one year. He should furnish personal bond in the sum of Rs.20.000/- with one surety of the like amount to the satisfaction of the Chief Judicial Magistrate, Faridkot, undertaking to appear and receive sentence when called upon to do so during this period and, in the meantime, to keep peace and be of good haviour. The said bonds will be furnished within a period of two months of the receipt of a copy of this order. However, the sentence of fine is enhanced from Rs.500/- to Rs.2,000/-. Needless to say, if the petitioner fails to comply with the said direction, this revision petition shall be deemed to have been dismissed.

4. The impugned sentence order stands modified to the extent indicated above.

5. This revision petition stands disposed of accordingly.

November 21, 2007. **(MOHINDER PAL)**
ak **JUDGE**